

Sunset Public Hearing Questions for
Board of Court Reporting
Created by Section 20-9-604, *Tennessee Code Annotated*
(Sunset termination June 2014)

1. Provide a brief introduction to the Board of Court Reporting, including information about its purpose, statutory duties, and staff.

The Tennessee Board of Court Reporting was established in 2009 to promote the skill, art, and practice of court reporting in an attempt to make sure court reporters have the necessary competency in record making to protect the citizens of the state of Tennessee in general and all litigants in particular and to ensure that justice is preserved for history. The TBCR is comprised of one Circuit or Chancery judge; two practicing attorneys; two freelance machine shorthand reporters; one voice writer , pen writer, or electronic reporter; and one other court reporter who utilizes any method of court reporting. The TBCR is administratively connected to the AOC and, therefore, its staff maintains employment through the AOC

2. Provide a list of current members of the board. For each member please indicate who appointed the member, how the member's presence on the board complies with Section 20-9-604, *Tennessee Code Annotated*, and the member's county of principal residence. Please indicate each member's race and gender and which members, if any, are 60 years of age or older.

The Board is comprised of seven (7) members, as follows:

One (1) circuit or chancery court judge

Judge Jim Martin, Williamson County WM

Two (2) attorneys

Earl W. Houston, Esq., Shelby County BM

Briton S. Collins, Esq., Knox County M, (race unknown, newly appointed)

Two (2) freelance court reporters who practice machine shorthand

Ken Mansfield, Weakley County WM

Virginia "Ginger" Truesdel, Knox County WF

One (1) court reporter that practices any method of court reporting

Terri R. Beckham, Davidson County WF

One (1) freelance court reporter that practices electronic court reporting, closed microphone voice dictation silencer reporting, or manual shorthand reporting.

Jimmie Jane McConnell, Knox County WF

No information on age is available.

3. The board's enabling statute provided that for purposes of appointing board members and promulgation of rules the statute took effect on June 23, 2009, and for all other functions the statute was to take effect July 1, 2010. Have rules been promulgated as authorized at Section 20-9-607, *Tennessee Code Annotated*? If so, please cite the reference.

Rules have been promulgated. See Tenn. Comp. R. & Regs. 0455-01-01 (2010).

4. What were the board's revenues (by source) and expenditures (by object) for fiscal year 2012 and to date for 2013? Does the board carry a fund balance and, if so, what is the total of that fund balance? If expenditures exceeded revenues, and the board does not carry a fund balance, what was the source of the revenue for the excess expenditures?

See attached document.

5. How many times did the board meet during fiscal year 2012 and to date for 2013, and how many members were present at each meeting? How and when were members notified of meetings?

During fiscal year 2012 to date the board met three (3) times.

September 21, 2012 – four (4) members present

December 7, 2012 – seven (7) member present

June 21, 2013 – six (6) member present

Generally, during each September meeting the board will schedule meetings for the next calendar year, and notice is given via e-mail.

6. What per diem or travel reimbursement do members receive? How much was paid to board members during fiscal year 2012 and to date for 2013?

Reimbursable lodging expenses are reimbursed at the single occupancy rate or the approved conference room rate. Mileage is reimbursed at the current state rate of \$.47 per mile. Reimbursement for in-state meals and incidentals is in accordance with the CONUS rate for Tennessee.

Board member travel FY 2012: \$4406.42

Board member travel FY 2013: \$1472.52

7. What were the major accomplishments of the board during fiscal year 2012 and to date for 2013? Specifically, what has the board accomplished to carry out each of the duties enumerated in Section 20-9-605, *Tennessee Code Annotated*?

In 2012 and 2013, the Board acted on complaints received, bringing them to an appropriate resolution, up to and including revocation of licensure, fines, reprimands, etc. Certain ethical situations have been discussed in the TBCR's public meetings and thereafter published on the AOC website regarding the proper role of court reporters in certain scenarios. Disciplinary counsel has investigated several complaints and given recommendations to the board on their proper resolution. Licenses and renewals are ongoing, as this is our first complete renewal period. The status of all LCRs is published on the AOC website as far as active, inactive, retired, or deceased. Minutes of the activities of the board are maintained on the AOC website. The Board has approved or disapproved continuing education courses for LCRs. Furthermore, the board is looking into a standalone website for the board and, in addition, is looking into the feasibility in the future of helping certain indigent citizens of the state to procure needed transcripts.

8. Has the board established policies and procedures for the handling of complaints pursuant to Section 20-9-606, *Tennessee Code Annotated*?

Yes. Please refer to Tenn. Comp. R. & Regs. 0455-01-01, et seq.

9. Please describe what, if any, reciprocity agreements the board has entered into or anticipates entering into as authorized by Section 20-9-610, *Tennessee Code Annotated*?

None.

10. As the licensing process has been initiated, how many licenses has the board issued? Of those, how many licenses were issued to new applicants and how many were issued to applicants seeking grandfathering licensure as provided for in Section 20-9-613, *Tennessee Code Annotated*?

Approximately 668 court reporters have been licensed. Currently there are 561 active reporters. We do not have the ability to run a query to determine who was licensed by grandfathering as opposed to standard application.

11. What reports does the board prepare on its operations, activities and accomplishments, and who receives those reports?

Each meeting a fiscal report is provided to the board members as is a report of the number of active/expired/ temporary reporters. This same information is posted on the AOC website, and is furnished to the Tennessee Bar Association.

12. How does the board ensure that its members and staff are operating in an impartial manner and that there are no conflicts of interest? If the board operates under a formal conflict of interest policy, please attach a copy of that policy.

The Board utilizes disciplinary counsel to review any complaints received and then issue a recommendation. This helps to remove any appearance of impartiality. In cases where a Board member feels there might be a conflict of interest, a Board member is expected to announce such and promptly remove themselves from Board consideration of the subject at hand.

13. Describe any items related to the board that require legislative attention and your proposed legislative changes.

The Board has no requests for legislative attention at this time; however, the Board will be meeting to scrutinize rules and regulations in reference to court reporters, following which certain legislative attention may be requested.

14. Should the board be continued? To what extent and in what ways would the absence of the board endanger the public health, safety or welfare?

Yes, the Board should be continued. Making sure that Tennessee court reporters are among the most professional in the nation assures the citizens of Tennessee will be protected, especially those seeking

the direction of our legal system. The Board was established by legislation in 2009 when certain inappropriate acts and unprofessional conduct was brought to light. The Board ensures such inappropriate acts and unprofessional conduct will never happen again. Furthermore, maintaining licensure in Tennessee keeps court reporters who are unable to pass licensure exams in neighboring licensure states from coming to Tennessee to practice, potentially putting unqualified and incompetent persons in the role of court reporter, possibly damaging the lives of Tennessee citizens who rely on accurate transcripts. In order to protect all of Tennessee in general, and litigants in particular, it is imperative that licensure remain in effect in Tennessee and, therefore, the Tennessee Board of Court Reporting to ensure the aforesaid licensure and prescribe the qualifications of all who hold the LCR designation.

15. Please list all board programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

If the board does receive federal assistance, please answer questions 16 through 23. If the board does not receive federal assistance, proceed directly to question 22.

None.

16. Does your board prepare a Title VI plan? If yes, please provide a copy of the most recent plan.
17. Does your board have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.
18. To which state or federal agency (if any) does your board report concerning Title VI? Please describe the information your board submits to the state or federal government and/or provide a copy of the most recent report submitted.
19. Describe your board's actions to ensure that board staff and clients/program participants understand the requirements of Title VI.
20. Describe your board's actions to ensure it is meeting Title VI requirements. Specifically, describe any board monitoring or tracking activities related to Title VI, and how frequently these activities occur.
21. Please describe the board's procedures for handling Title VI complaints. Has your board received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).
22. Please provide a breakdown of current board staff by title, ethnicity, and gender.

David Haines, AOC General Counsel, Caucasian male. Debra Hayes, Executive Administrative Assistant, Caucasian female.

23. Please list all board contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

As noted above, the board engages outside counsel to investigate complaints it receives. Lynn C. Peterson, a member of the firm of Lewis King performs this work at an hourly rate of \$190. Ethnicity of the "owner" (a law partnership) is unknown.

Board of Court Reporting (302.34)
Statement of Cash Position
as of June 30, 2012

Beginning Cash Balance:		
Carryforward from FY 2011		\$ 41,676.81
Revenue Collections, FY 2012 thru June 30, 2012		\$ 103,091.17
Operating Expenditures:		
010 Salaries	27,510.26	
02 Benefits	13,011.20	
Payroll Expenditures		\$ 40,521.46
03 Travel	4,406.42	
08 Professional Services	2,059.30	
09 Supplies	80.52	
22 Data Processing Supplies	176.44	
Total Non-Payroll Expenditures		\$ 6,722.68
Ending Cash Balance		<u><u>\$ 97,523.84</u></u>

Board of Court Reporting (302.34)

Statement of Cash Position

as of May 31, 2013

Beginning Cash Balance:

Carryforward from FY 2012	\$ 97,523.84
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Revenue Collections, FY 2013 thru May 31, 2013	\$ 12,376.72
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Operating Expenditures:

010 Salaries	18,979.43	
02 Benefits	<u>7,198.31</u>	
Payroll Expenditures		\$ 26,177.74

03 Travel	66.00
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08 Professional Services:

Temporary Employee Services	659.59	
Board Member Travel	1,472.52	
Catering Services	359.00	
Total Non-Payroll Expenditures		\$ 2,198.11

Ending Cash Balance	<u>\$ 81,524.71</u>
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